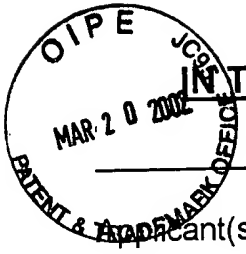


03-22-02

DAC/1 \$ #9



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Elazar Rabbani et al.

Serial No.: 09/439,594

Filed: November 12, 1999

For: NOVEL SPECIFIC TARGET NUCLEIC ACID  
DETECTION AND AMPLIFICATION PROCESSES,  
AND COMPOSITIONS USEFUL FOR PRODUCING  
ONE OR MORE COPIES OF SPECIFIC TARGET  
NUCLEIC ACID SEQUENCES

Group Art Unit: 1656

Examiner: Joyce Tung

05/12/2003 CKHLDK 00000015 051135 9439594  
01 FC:2453 640.00 CH

527 Madison Avenue, 9th Floor  
New York, New York 10022  
March 20, 2002

**FILED BY EXPRESS MAIL**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Box DAC**

Attention: Office of Deputy Assistant Commissioner for Patents  
2121 Crystal Drive, Crystal Park 2 - Suite 913  
Arlington, Virginia 22202

RECEIVED  
MAR 25 2002  
OFFICE OF PETITIONS

**PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE  
AN UNINTENTIONALLY ABANDONED APPLICATION**

Dear Sirs:

Applicants submit this Petition to the Commissioner under the provisions of 37 C.F.R. §1.137(b) to revive the above-identified application in which taking action was unintentionally delayed. A response to the previously issued December 20, 2000 Office Action was originally due on March 20, 2001. Upon the expected granting of this Petition, the accompanying response in the form of an Amendment Under 37 C.F.R. §1.115 will be considered as having been timely filed.

Enz-58(D1)

Elazar Rabbani et al.

Serial No. 09/439,594

Filed: November 12, 1999

Page 2 (Petition Under 37 C.F.R. §1.137(b) to Revive An Unintentionally Abandoned  
Application – March 20, 2002)

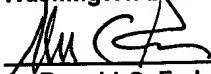


EXPRESS MAIL CERTIFICATE

"Express Mail" Label No. EL86104660US

Deposit Date March 20, 2002

I hereby certify that this paper and the attachments  
herein are being deposited with the United States  
Postal Service "Express Mail Post Office to  
Addressee" service under 37 CFR 1.10 on the date  
indicated above and is addressed to the  
Commissioner of Patents and Trademarks,  
Washington DC 20231.

  
\_\_\_\_\_  
Ronald C. Fedus

Reg. No. 32,567

MAR 20 2002  
Date

Elazar Rabbani et al.

Serial No. 09/439,594

Filed: November 12, 1999

Page 3 (Petition Under 37 C.F.R. §1.137(b) to Revive An Unintentionally Abandoned Application – March 20, 2002)

The above-identified application became unintentionally abandoned after March 20, 2001, which was the date that a response to the December 20, 2000 Office Action was originally due. A Notice of Abandonment was subsequently issued.

It is hereby requested that this application be revived because the entire delay in filing the response to the December 20, 2000 Office Action until the filing of this Petition was unintentional. A Terminal Disclaimer To Accompany Petition is attached to this paper as Exhibit 1.

As indicated above, a response to the December 20, 2000 Office Action in the form of an Amendment Under 37 C.F.R. §1.115 is being submitted concurrently herewith and is attached as Exhibit 2.

The fee for filing a Petition to Revive an Unintentionally Abandoned Application Under 37 C.F.R. §1.137(b) is \$620.00 for a small entity. Small entity status was previously established in this application and is still applicable. The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for the requisite large entity fee of \$620.00. The Patent and Trademark Office is further authorized hereby to charge Deposit Account No. 05-1135 for any other fees required in connection with this Petition, the attached Amendment, or to credit any overpayment thereto.

A duplicate copy of this Petition but without attached Exhibits 1-2 is also submitted herewith.

Elazar Rabbani et al.

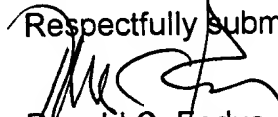
Serial No. 09/439,594

Filed: November 12, 1999

Page 4 (Petition Under 37 C.F.R. §1.137(b) to Revive An Unintentionally Abandoned  
Application – March 20, 2002)

Favorable action on this Petition is earnestly solicited.

Respectfully submitted,



Ronald C. Pedus

Registration No. 32,567

Attorney for Applicants

ENZO DIAGNOSTICS, INC.  
c/o Enzo Biochem, Inc.  
527 Madison Avenue (9<sup>th</sup> Fl.)  
New York, New York 10022  
Telephone: (212) 583-0100  
Fax: (212) 583-0150